

FILED

JAN 28 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

DEBORAH MARLETT, R.N.
License # 26NR13731500

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER WITHDRAWING
PROVISIONAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a registered professional nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about June 5, 2012, a Voluntary Letter of Reprimand was filed by the Board of Nursing for the State of New Mexico, imposing a reprimand and a \$200 fine with respect to respondent for the failure to comply with New Mexico's continuing education requirements.

3. Pursuant to N.J.A.C. 13:37-5.9, respondent is required to immediately notify the New Jersey Board when respondent is the subject of any disciplinary action or order by any state or Federal agency, board or commission.

4. Respondent did not notify the New Jersey Board of the issuance of the June 5, 2012 Voluntary Letter of Reprimand by the New Mexico Board.

CONCLUSIONS OF LAW

1. Respondent's failure to notify the Board of the New Mexico action constitutes a violation of N.J.A.C. 13:37-5.9, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(h).

2. Respondent's failure to comply with New Mexico's continuing education requirements constitutes professional misconduct within the intendment of N.J.S.A. 45:1-21(e).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline imposing a reprimand was entered on September 20, 2013 and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5 p.m. on the 30th business day following entry unless respondent requested modification or dismissal setting forth in writing any and all reasons why said finding and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

In response to the Provisional Order of Discipline, respondent explained that her employer requires her to be licensed to practice nursing in 48 states. Due to extenuating circumstances involving a temporary personal issue, respondent failed to timely complete continuing education in one state – New Mexico. The New Mexico Board of Nursing took action against respondent's license. Respondent urges the

Board to stop the domino effect which may result if all other states take action against her license based upon a continuing education violation in New Mexico or respondent's failure to immediately self-report the action to the Board when the Board had effectively been immediately notified via a national disciplinary databank. The Board notes, importantly, that respondent has timely completed the required continuing education requirements for New Jersey. Therefore, the discipline in New Mexico was based on conduct which would not result in discipline in New Jersey.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that the Provisional Order of Discipline should be withdrawn in its entirety. Respondent has complied with New Jersey's continuing education requirements, which is at the core of this matter, and the Board has determined that further discipline by the New Jersey Board regarding Respondent's New Mexico continuing education violation is unwarranted.

ACCORDINGLY, IT IS on this 28th day of Jan., 2014,

ORDERED that:

1. The Provisional Order of Discipline filed on September 20, 2013 is hereby withdrawn in its entirety.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Ann Murphy, PhD, APRN, FAAN
Patricia Ann Murphy, PhD, APN
Board President